

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	Criminal No. 3:16-CR-0012-D-1
VS.	§	
	§	
JOSE VAZQUEZ, #52303-177,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION
AND ORDER

Defendant Jose Vazquez's ("Vazquez's") May 28, 2024 petition for an S nonimmigrant visa is denied.

I

In 2016 Vazquez pleaded guilty to conspiracy to distribute a controlled substance and was sentenced to 168 months' imprisonment and a two-year term of supervised release. In 2024 the court reduced his sentence to 135 months based on Amendment 821 to the Sentencing Guidelines.

Vazquez now asks the court to apply for an S nonimmigrant visa on his behalf. He alleges that he is approaching his release date and fears that he will be removed to Mexico, where he has no family. Vazquez asserts that "only the law enforcement agency that arrested [him] or the court may apply [for a nonimmigrant visa] on [his] behalf." Pet. at 1. He adds that he "provided substantial assistance to the government and placed [himself] at their disposal for whatever they needed." *Id.* Vazquez also states that his wife requested an S nonimmigrant visa on his behalf from the federal agent who arrested him, to no avail.

II

Vazquez does not identify any statutory authority that permits a court to apply for an S nonimmigrant visa on behalf of a defendant, and the court has found none. And the U.S. Citizenship and Immigration Services website states that only law enforcement agencies *may* submit an S nonimmigrant application. Vazquez's petition is therefore a meaningless, unauthorized motion over which this court lacks jurisdiction. *See United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994) (per curiam) (affirming denial of motion to reduce sentence that was unauthorized and without jurisdictional basis); *United States v. Atehortua-Castro*, 654 Fed. Appx. 184, 2016 WL 3345276, at *1 (5th Cir. 2016) (per curiam) (finding that district court correctly concluded that it lacked jurisdiction to entertain post-judgment motion for a fast track program under U.S.S.G. § 5K3.1 as a “meaningless, unauthorized motion”).

Vazquez's petition for an S nonimmigrant visa is therefore denied.

SO ORDERED.

July 2, 2024.


SIDNEY A. FITZWATER
SENIOR JUDGE